

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

HENRY SCOTT,

Plaintiff,

v.

**5:12-CV-613
(FJS/VEB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

HENRY SCOTT

07-B-1166

Auburn Correctional Facility

P.O. Box 618

Auburn, New York 13021

Plaintiff *pro se*

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL, REGION II**

26 Federal Plaza - Room 3904

New York, New York 10278

Attorneys for Defendant

MONIKA K. CRAWFORD, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action on April 11, 2012. *See* Dkt. No. 1. Defendant filed an answer on August 3, 2012. *See* Dkt. No. 10. Plaintiff filed a reply on September 4, 2012. *See* Dkt. No. 13. Defendant filed a brief on October 18, 2012, *see* Dkt. No. 14; and Plaintiff filed a brief on November 30, 2012, *see* Dkt. No. 15. On September 12, 2013, Magistrate Judge Bianchini issued a Report and Recommendation, in which he recommended that this Court grant

Defendant's motion for judgment on the pleadings and deny Plaintiff's motion for judgment on the pleadings. *See* Dkt. No. 17 at 24. Plaintiff has filed objections to those recommendations. *See* Dkt. No. 20.

In reviewing a magistrate judge's report-recommendation, the district court may decide to accept, reject or modify the recommendations therein. *See* 28 U.S.C. § 636(b)(1). The court conducts a *de novo* review of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991). ""If, however, the party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error."" *Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, *1 (N.D.N.Y. June 23, 2009) (quoting [*Farid v. Bouey*, 554 F. Supp. 2d 301] at 306 [(N.D.N.Y. 2008)] (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))). Finally, even if the parties file no objections, the court must ensure that the face of the record contains no clear error. *See Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quotation omitted).

Given Plaintiff's *pro se* status and despite the conclusory and reiterative nature of his objections, the Court has conducted a *de novo* review of Magistrate Judge Bianchini's Report and Recommendation. Despite Plaintiff's arguments to the contrary, the Court concludes that Magistrate Judge Bianchini correctly found that the Administrative Law Judge ("ALJ") had applied the appropriate legal standards and that the ALJ's findings were supported by substantial evidence. Accordingly, the Court hereby

ORDERS that Magistrate Judge Bianchini's September 12, 2013 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court

further

ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

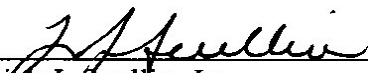
ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Defendant's decision is **AFFIRMED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: September 24, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge